

TENNESSEE BOARD OF PODIATRIC MEDICAL EXAMINERS

DATE: November 9, 2011

TIME: 9:00 A.M., CST

LOCATION: Health Related Boards
Poplar Room
227 French Landing
Nashville, TN 37243

BOARD MEMBERS

PRESENT: David Long, D.P.M., Chair
Paul Somers, D.P.M.
Lawrence Burns, D.P.M.
Karl Fillauer, C.P.O.
Karen Garner, Citizen Member

BOARD MEMBER

ABSENT: Paul Rivard, D.P.M.

BOARD STAFF

PRESENT: Christopher Smith, Deputy General Counsel
James Hill, Board Administrator
Elizabeth L. Miller, Director of Health Related Boards

Dr. Long, Chair, called the meeting to order at 9:00 a.m. Dr. Long conducted a roll call vote. A quorum was present.

Dr. John J. Dreyzehner, Commissioner of the Department of Health, appeared before the Board to introduce himself.

Minutes

Dr. Somers made a motion, seconded by Dr. Burns, to approve the August 3, 2011 minutes. The motion carried.

Applicant Interviews

Dr. Burns made a motion, seconded by Dr. Somers, to approve the application of **Dr. Patrick Saavedra, DPM**. The motion carried.

Dr. Burns made a motion, seconded by Dr. Somers, to approve the application of **Dr. Jared Bramlett, DPM**. The motion carried.

Mr. Fillauer made a motion, seconded by Dr. Somers, to defer action on the application of **Mr. Edwin Downs, Orthotist**, to allow Mr. Downs to amend his application. The motion carried.

Consent Order

The Board reviewed a consent order for **Ben Walker**, for unlicensed practice of orthotics. Mr. Walker agreed to pay one type B civil penalty, one type C civil penalty. Dr. Somers made a motion, seconded by Dr. Fillauer, to approve the Consent Order. The motion carried.

Office of General Counsel Report

Of the 3 cases at OGC, one of which was presented as a Consent Order, one (1) was closed a letter of warning and one was a failure to renew a license (his file was flagged in the system should he seek renewal). There are (9) other cases pertaining to the Board of Podiatric Medical examiners.

The following Rules amendments are awaiting final approval and signature at the Attorney General's office: 1155-02-.02, 1155-02-.04, 1155-02-.05, 1155-02-.07, 1155-02-.08, 1155-02-.11, 1155-02-.12, 1155-02-.14, 1155-03-.02, 1155-03-.07, 1155-04-.08, and 1155-05-.11. These amendments require a criminal background check for renewal and reinstatement change the requirements to qualify for licensure in podiatry, and add a locum tenens license.

Discussion of unlicensed certified fitters working for home medical equipment providers.

Mr. Christopher Smith presented correspondence from Mr. James H. Stock, who represents the Southern Diabetic Supply Company of Middle Tennessee, who in the letter they requested a response from the Board of Podiatric Medical Examiners for the following:

Does Tennessee Law and accompanying regulation allow a fitter of therapeutic shoes (CFTs) certified under the provisions of a recognized board, such as the American Board for Certification (ABC), to fit diabetic shoes and inserts without the supervision of a licensed pedorthist, as long as they work under the supervision of a licensed Home Medical Equipment Provider (licensed under title 68) and do not create a cast, mold, or a scan of any part of the human body for the purpose of constructing a medical device to treat a patient's medical condition.

Dr. Burns made a motion, seconded by Mr. Fillauer that, in the opinion of the Board a fitter of therapeutic shoes certified by a recognized board such as the American Board for Certification, is allowed to fit diabetic shoes and inserts without the supervision of a licensed pedorthist as long as they work under the supervision of a licensed Home Medical Equipment provider or pharmacy licensed under title 63 and do not create a cast, mold, or a scan of the part of the human body for the purpose of constructing a medical device to treat a patient's medical condition. The motion carried.

Agreed Citations

Dr. Somers made a motion, seconded by Mr. Fillauer, to approve the agreed Citation for **H. Paul McCulley, Podiatrist**, for failure to obtain one hour of continuing education. The motion carried.

Dr. Somers made a motion, seconded by Mr. Fillauer, to approve the Agreed Citation for **Ramon Lovato**, Podorthist, for working on an expired license. The motion carried.

Investigative Report

There are twenty (20) open complaints for the Podiatry Board, and one (1) for a Prosthetist.

Disciplinary Report

There are three practitioners currently being monitored.

Administrative Report

There are currently 235 licensed podiatrists, 100 podiatric x-ray operators, 159 orthotists, 144 prosthetists and 74 pedorthists.

Financial Report

For FY June 30, 2011 the Board had expenditures of \$66,280.35, revenues of \$75,551.24.

Application Review

Dr. Somers made a motion, seconded by Dr. Burns, to approve the Podiatrist application of **Dr. Matthew Truscello**. The motion carried.

Dr. Somers made a motion, seconded by Mr. Fillauer, to approve the X-Ray operator application of **Jennifer Eddins**. The motion carried.

Dr. Somers made a motion, seconded by Mr. Fillauer, to approve the X-Ray Operator application of **Maranda Watters**. The motion carried.

Mr. Fillauer made a motion, seconded by Dr. Burns, to approve the Orthotist application of **Nicolas Machi**. The motion carried.

Mr. Fillauer made a motion, seconded by Dr. Somers, to approve the Orthotist application of **Carey Bunch**. The motion carried.

Mr. Fillauer made a motion, seconded by Dr. Somers, to approve the Orthotist application of **Linda Estep**. The motion carried.

Mr. Fillauer made a motion, seconded by Dr. Somers, to approve the Prosthetist application of **Linda Estep**. The motion carried.

Mr. Fillauer made a motion, seconded by Dr. Somers, to approve the Prosthetist application of **Bryan Fairbanks**. The motion carried.

Mr. Fillauer made a motion, seconded by Dr. Somers, to approve the Orthotist application of **Traci Kilmartin**. The motion carried.

Mr. Fillauer made a motion, seconded by Dr. Somers, to approve the Pedorthist application of **Justin Burns**. The motion carried.

Dr. Somers made a motion, seconded by Mr. Fillauer, to approve the Podiatrist reinstatement application of **Dr. Patricia Kirk**. The motion carried.

Mr. Fillauer made a motion, seconded by Dr. Somers, to approve the Pedorthist reinstatement application of **Ramon Lovato**. The motion carried.

Other Board Business

Mr. Fillauer made a motion to approve, seconded by Dr. Somers to approve the revised Expired License or Certificate Policy, a copy of which is attached. The motion carried.

The Board reviewed a continuing education syllabus submitted for online training for podiatric assistants. Dr. Somers made a motion to deny, seconded by Dr. Burns, because the board does not feel it is appropriate to approve a continuing education course for a profession over which they have no jurisdiction. The motion carried.

Dr. Somers made a motion, seconded by Dr. Burns, to table the discussion of a peer assistance program until the next meeting. The motion carried.

Dr. Somers made a motion, seconded by Mr. Fillauer, to appoint Dr. Burns to the Controlled Substance Data Base Committee. The motion carried.

Mr. Fillauer made a motion, seconded by Dr. Somers, to approve a policy that criminal background checks are good for six (6) months. The motion carried.

Dr. Burns made a motion, seconded by Dr. Somers, for Mr. Fillauer to research state laws in other jurisdictions regarding licensing for Orthotist, Prosthetist, Pedorthist, and report back to the Board at the next scheduled meeting. The motion carried.

With no other Board business Mr. Fillauer made a motion, seconded by Dr. Somers, to adjourn at 10:58. The motion carried.

Adopted by the Board of Podiatric Medical Examiners on this the 8th day of February, 2012.